

or jury in any criminal case would automatically result in a disqualification from voting.

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: I must express considerable uncertainty about my answer because I am not really quite certain of just what would be the actual finding in a criminal case where there is a plea of insanity. But it certainly does seem to me possible that the General Assembly could say, in a criminal case, where a man is found to be not guilty by reason of insanity, that that would amount to a finding of mental incompetency which would disqualify him from voting.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: I have one other question.

THE CHAIRMAN: Delegate Marion, Delegate Bamberger only has 30 seconds. If you make your question short, he can answer it quickly.

DELEGATE MARION: The last two lines, Delegate Bamberger, related to the provision for the removal of such discriminations.

Is that meant to encompass both such things as the time or the occurrence of a particular event or the circumstances for the removal as well as a procedure for removal or declaration of removal for such disqualification?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: Yes, it is intended to provide all of those things.

THE CHAIRMAN: Does any delegate desire to speak in opposition to the amendment?

Delegate Schloeder.

DELEGATE SCHLOEDER: Mr. Chairman, I would rise to oppose this amendment on a number of grounds.

One, I must say that Delegate Bamberger's answer to Delegate Marion in the last colloquy was disturbing. It would seem from his answer that the jury made up of lay people would judge a defendant not guilty by reason of insanity and that the state legislature could then use that to disenfranchise the defendant. Also, I would suggest that with its broadness the General Assembly would not do what Delegate Bamberger would imagine it would do.

I would suggest that our Committee that studied this particular question spent more time on it than did the General Assembly. Those people of the Governor's Mental Health Commission who were professionals in the area of mental health were very much concerned that the General Assembly would broaden this too much. The only way to get at the real issue and the real question here was to put it in the language recommended by them to us that we have them recommended to you.

For those reasons, I would rise to speak against and hope that you would vote against this amendment.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Clagett.

DELEGATE CLAGGETT: Would Delegate Bamberger yield for two questions?

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Byrnes?

DELEGATE BYRNES: Mr. Chairman, I would point out to this house that we have recently rejected an amendment.

The objection was that we want people mentally incompetent to be disqualified from voting. I do not think the majority recommendation goes to what we want.

Secondly, it has the phrase "until such adjudication is removed", and at this point I still do not know what that means. I have never heard of an adjudication being removed.

Thirdly, I think all of the suggestions made by Delegate Marion and by Delegate Schloeder suggest that the General Assembly would act with wanton disregard for due process and disregard of the sensitivity of this area.

The General Assembly has shown over and over again that it is very sensitive about this area, very concerned about this area, and I think we can repose in them a greater deal of confidence than the majority recommendation would seem to say.

I suggest we adopt the amendment.

THE CHAIRMAN: Delegate Taylor.

DELEGATE H. TAYLOR: Mr. Chairman, ladies and gentlemen of the Convention: I do not know whether there is any significance in the fact that I have been